

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INSITUFORM TECHNOLOGIES, INC.,

Plaintiff,

V.

AMERICAN HOME ASSURANCE
COMPANY,

Defendant.

CASE NO. 04-10487 GAO

AFFIDAVIT OF GREGORY P. DESCHENES

I, Gregory P. Deschenes, state and depose the following:

1. I am, and since 1987 have been, a member in good standing of the bar of the Supreme Court of the Commonwealth of Massachusetts. I am a partner in the law firm of Nixon Peabody LLP, 100 Summer Street, Boston, Massachusetts, and I am an attorney of record for defendant American Home Assurance Company (“American Home”) in this action. The purpose of this affidavit is to introduce certain exhibits upon which American Home relies in support of its Memorandum Addressing Choice of Law and Prejudgment Interest Calculation Issues.

2. Attached to this Affidavit as Exhibit 1 is a true and accurate copy of Insituform's Initial Disclosure, dated May 4, 2004.

3. Attached to this Affidavit as Exhibit 2 is a true and accurate copy of a letter dated January 18, 2005 from Charles L. Philbrick to Gregory P. Deschenes, in which Insituform notified American Home that Liberty Mutual had concluded adjustment of the loss and paid its full policy limit.

4. Attached to this Affidavit as Exhibit 3 is a true and accurate copy of Insituform's Responses and Objections to American Home's First Set of Interrogatories, dated April 7, 2006.

I declare under the penalty of perjury that the foregoing is true and correct. Executed this 25th day of February, 2008.

/s/ Gregory P. Deschenes
Gregory P. Deschenes

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by first class mail on February 25th, 2008 and upon all parties registered for electronic notification via the Court's electronic filing system.

/s/ Gregory P. Deschenes
Gregory P. Deschenes